

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

BACKWARD CLASSES WELFARE DEAPRTEMNT - 5% Reservation for Socially and Educationally Backward Classes of Muslims in the State of A. P – Engaging the services of Sri G.E.Vahanvathi, Attorney General for India, Sri K.Parasaran, Sr. Advocate, Sri Mihir Chatterjee, Advocate and Sri A.Subba Rao, Advocate to appear before the Supreme Court of India on behalf of State Government in Civil Appeal No.7513 of 2005 on the same terms and conditions as in Civil Appeal Nos 2628-37 of 2010 - Accepted - Orders – Issued.

BACKWARD CLASSES WELFARE (C2) DEPAERTMENT

G.O.Rt.No.282

Dated:12-8-2010.

Read the following:

- 1.G.O.Rt.No.90, Backward Classes Welfare Department, dated 19.3.2010.
2. G.O.Rt.No.91, Backward Classes Welfare Department, dated 19.3.2010.
3. G.O.Rt.No.92, Backward Classes Welfare Department, dated 19.3.2010.
4. G.O.Rt.No.165, Backward Classes Welfare Department, dated 14.5.2010.
- 5.From Sri A.Subba Rao, Advocate, Supreme Court of India, New Delhi, Letter dated 12.7.2010.

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ORDER :

In the G.O. 1st to 4th read above, orders were issued engaging the services of Sri G.E.Vahanvathi, Attorney General for India, Sri K.Parasaran, Senior Advocate, Sri Mihir Chatterjee, Advocate and Sri A.Subba Rao, Advocate, Supreme Court of India, New Delhi duly accepting the terms and conditions offered by them in W.P.No.15267/2007 and batch cases, against the judgment dated 8.2.2010 of High Court of A.P. Hyderabad, quashing 4% reservation to Socially and Educationally Backward Classes of Muslims in the State ordered vide, G.O.Ms.No.23, Backward Classes Welfare (C2) Department, dated 7.7.2007 as well as Act No.26/2007 which was enacted on 13.8.2007. The Government has filed SLPs' (c) No.2628-37 of 2010 in the Supreme Court of India against the above judgment of High Court of A.P.

2. In the reference 5th read above, Sri A.Subba Rao, Advocate, Supreme Court of India, New Delhi has informed that the State of A.P. filed Civil Appeal No.7513 of 2005, in the Supreme Court against the judgment dated 7.11.2005 of High Court of A.P. in W.P.No.13832 of 2005 and batch W.P's, wherein the High Court struck down the A.P.Reservation of Seats in the Educational Institutions and of Appointments/Posts in the Public Services under the State to Muslim Community Act, 2005, providing 5% reservation to the Muslim Community for admission into the educational institutions in the State and employment in the Public Services in the State of A.P. excluding creamy layer from the benefit of reservation.

3. Sri A.Subba Rao, Advocate, has further informed that the Civil Appeal No.2628-37 of 2010 is directed to be listed for direction on 3.8.2010. At that time, it will be necessary for the State Government to request the Hon'ble Court to take up the Civil Appeal No.7513 of 2005, as the question involved therein is the test to be applied by the Court in regard to reservations to the Backward Classes/Communities under Article 15(4) and 16(4) of the Constitution of India to determine the validity of the Act. The Court may itself refer to the Civil Appeal No.7513 of 2005 to be listed along with Civil Appeal Nos'2628-37 of 2010. Therefore, it is necessary to engage the same counsel ie., Sri G.E.Vahanvathi, Attorney General for India, Sri K.Parasaran, Sr. Advocate, Sri Mihir Chatterjee, Advocate and Sri A.Subba Rao, Advocate.

4. Government, after careful examination of the matter, hereby accept for engaging the services of Sri G.E.Vahanvathi, Attorney General for India, Sri K.Parasaran, Sr. Advocate, Sri Mihir Chatterjee, Advocate and Sri A.Subba Rao, Advocate on behalf of State Government in Civil Appeal No.7513 of 2005 on the same terms and conditions as in Civil Appeal Nos' 2628-37 of 2010.

5. This order issues with the concurrence of Finance Department vide their U.O.No.9624/210/A2/ESW/2010, dated 27.7.2010.

(BY ORDER AND IN THE NAME OF GOVERNOR OF ANDHRA PRADESH)

**HIRALAL SAMARIA,
PRINCIPAL SECRETARY TO GOVERNMENT**

To

Sri G.E.Vahanvathi, Attorney General for India,
Supreme Court of India, New Delhi.

Sri K.Parasaran, Senior Advocate, Supreme Court of India, New Delhi.

Sri Mihir Chatterjee, Advocate, Supreme Court of India, New Delhi.

Sri A.Subba Rao, Advocate, Supreme Court of India, New Delhi.

Sri P.S.Krishnan, IAS. (Retd), Advisor to Government, B.C.Welfare Department.

The Director, Backward Classes Welfare, Hyderabad.

The Member Secretary, A.P.Commission for B.Cs., Hyderabad.

Copy to :

The Officer-on-Special Duty to Minister (BCW)

The P.S. to Principal Secretary to Chief Minister.

The Backward Classes Welfare (OP) Department,

The Pay and Accounts Officer, Hyderabad.

The Deputy Pay and Accounts Officer, Secretariat Branch, Hyderabad

The Director of Treasuries and Accounts, AP, Hyderabad

The Finance (BG.IV) Department,

The Finance (Expr.SW) Department

The Vice-Chairman and Managing Director,

A.P.Backward Classes Cooperative Finance Corporation Limited.

Copy to the PS to Prl. Secretary to Government, B.C.Welfare Department.

SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER.